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July 15, 2013

VIA E-MAIL

Honorable Paul A. Crotty
United States District Court
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: MidOil USA LLC v. Astra Project Finance Pty Ltd, Civil Action No. 1:12-cv-08484- Respondent's Request for a Pre-Motion Conference.

Dear Judge Crotty:

We write as counsel to Respondent Astra Project Finance Pty Ltd ("Astra") in the above-referenced case and, pursuant to Individual Practice Rules 3.A and 3.D, to advise the Court of the basis for the Respondent's Motion to Stay Arbitration and Compel Judicial Review filed in the above-referenced case.

In this case, on November 20, 2012, Petitioner MidOil USA LLC filed a Petition to Compel Arbitration in the Southern District of New York naming only Astra Project Finance PTY LTD. The Respondent responded to that Petition in a Reply in Opposition and Cross-Motion to Stay the Arbitration and Compel Judicial Review in the Federal Court. The Petitioner's Petition filed in the United States District Court, Southern District of New York as of July 15, 2013 is still pending.

Then, on May 30, 2013, Petitioner MidOil filed a secondary Statement of Claim with the International Centre for Dispute Resolution, compelling Arbitration in circumvention of Petitioner motion to Compel Arbitration still pending in this Court.

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The Petitioner, on June 5, 2013, then simultaneously filed a Notice of Motion, its Proposed Motion and a Memorandum of Law in support of its Motion for Leave to Amend the Petition to Compel Arbitration in the Southern District of New York.

In addition on June 18, 2013, an administrative conference call was held between the Respondent's counsel, Petitioner's counsel and Mr. Cheng Zhang, LL.M. International Case Manager for the International Centre for Dispute Resolution (ICDR).

The purpose of this call respectfully according to Mr. Cheng Zhang, LL.M. International Case Manager for the International Centre for Dispute Resolution (ICDR) was to address matters that might assist the ICDR in administering this matter to Arbitration.

During this administrative conference Respondent's counsel placed all of its general and jurisdictional objections on the record, which included, but are not limited, to the following:

The International Centre for Dispute Resolution does not have jurisdiction over this case and does not have personal jurisdiction over the Respondent whatsoever at this time. This is true because, on November 20 2012 the Petitioner MIDOIL USA, LLC, filed a Petition to Compel Arbitration, Case No.: 1:12-cv-8484, pursuant to 9 U.S.C. §4 and 9 U.S.C. §205 in the United States District Court, Southern District of New York, of which as of July 15, 2013, is still pending.

In addition, the International Centre for Dispute Resolution does not have jurisdiction over this case or the Respondent at this time because, Astra Project Finance Pty Ltd ("Astra") upon information and belief, was fraudulently induced by Petitioner to enter the contract in question, the Corporate Financing Agreement (CFA) which included fraudulent inducement of the arbitration provision 23.1 dated, 1/11/2012. For this reason alone this case cannot be sent to Arbitration without judicial review of the allegation of fraud in the inducement of the Arbitration clause, because Respondent being forced by the Petitioner to participate in Arbitration proceedings without judicial review will result in the Respondent being irreparably harmed and irreparably prejudiced.

In reply in Opposition on July 1, 2013, the Respondent filed a Notice of Emergency Motion and a Memorandum of Law in support of its Emergency Motion to Stay Arbitration and Compel Judicial Review in the Southern District of New York.



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Then, on July 15, 2013 the Petitioner filed a Request for a Conference in support of its Motion for Leave to Amend the Petition to Compel Arbitration in the Southern District of New York.

Accordingly, Astra also respectfully requests a pre-motion conference on its Emergency Motion to Stay Arbitration and Compel Judicial Review or that the Court hear Astra's basis for its emergency motion during MidOil's pre-motion conference.

We thank the Court for its time and consideration.

Respectfully submitted,

/s/ Meir Moza

cc: Via Email, John Dellaportas, Esq.
Rachael G. Pontikes, Duane Morris, LLP